

EFFECTS:

- Provides an intent section.
- Permits individuals charged with possession related offenses in courts of limited jurisdiction to seek dismissal of those charges after showing proof of successfully completing SUD or co-occurring SUD and MH treatment.
- Requires the court to dismiss possession charges if, at or before the readiness hearing, if the court finds:
 - The assessment considered the individual's criminal history and substance use history and shows the person has a substance use disorder which requires treatment;
 - The individual successfully completed the recommended treatment through a court-approved and state certified treatment provider; and
 - The interests of justice warrant dismissal.
- Permits the court to dismiss other non-possession charges filed under the same cause number unless the prosecutor objects.
- Requires the court in dismissing charges to state the reasons for the dismissal in writing and on the record.

1 AN ACT Relating to allowing persons who complete substance abuse
2 programs to seek dismissal of certain controlled substance related
3 charges; adding a new section to chapter 69.50 RCW; and creating a
4 new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that across the
7 country 12 states, including Washington, either through statute or
8 court rule, permit courts to dismiss criminal charges in the interest
9 of justice. These laws and court rules emphasize the inherent power
10 of courts to govern their own courtrooms, including the capacity and
11 duty of courts to rule on cases to promote justice. This authority
12 increases transparency in the criminal legal process and permits
13 courts to respond to not only penal ramifications of a sentence, but
14 also the loss of civil privileges that accompany a criminal
15 conviction.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 69.50
17 RCW to read as follows:

18 (1) In courts of limited jurisdiction, a person charged with
19 violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or
20 69.41.030(2) (b) or (c) may seek dismissal of such charges after

1 showing proof of either undergoing a certified substance use disorder
2 or certified co-occurring mental health and substance use disorder
3 assessment and enrolling in and successfully completing a court-
4 approved treatment program.

5 (a) The assessment must consider the person's criminal history
6 and substance use history and must show the person has a substance
7 use disorder which requires treatment.

8 (b) The treatment program must be approved by the court in the
9 jurisdiction in which the individual is charged.

10 (2)(a) If the individual files, under seal, the assessment report
11 and proof of successful completion of the recommended treatment
12 program at or before the readiness hearing, the court shall dismiss
13 the charge or charges without prejudice on its own motion if the
14 court finds:

15 (i) The assessment considered the individual's criminal history
16 and substance use history and shows the person has a substance use
17 disorder that requires treatment;

18 (ii) The individual successfully completed the recommended
19 treatment program through a court-approved and state certified
20 treatment provider; and

21 (iii) The interests of justice warrant dismissal.

22 (b) If the individual is also charged with nonpossession offenses
23 filed under the same cause number and arising from the same course of
24 conduct as the charge or charges of possession, the court may dismiss
25 those other charges without prejudice unless the prosecutor objects.

26 (3) In dismissing the charge or charges, the court must set forth
27 its reasons for dismissing the charge or charges in writing and on
28 the record.

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